

Appl No. 10/666,048  
Response dated January 30, 2007  
Reply to Office Action of Oct. 30, 2006

### **REMARKS**

Applicant is hereby notifying the Examiner that Applicant wishes to provisionally elect the claims in Group I, i.e., claims 1-3, 8, 9, 17-25, drawn to carbon black, classified in class 423, subclass 449.1. This election is being made with traverse.

Earlier in this case, Examiner Angela J. Martin issued a restriction requirement restricting the claims into Group I, claims 1-25, drawn to thermally modified carbon blacks, classified in class 423, subclass 449.2 and claims 26-36 as Group II. Applicant at that time elected without traverse, Group I, i.e., claims 1-25.

Applicant is traversing this second restriction requirement since Applicant feels that the claims drawn to Group I to carbon black and a process for making that particular carbon black cannot be practiced with another materially different product for the uses of the product as shown in claims in Group II, namely claims 4-7 and 10-16. In other words, the carbon black product that is produced in the process as claimed in Group I is a unique carbon black and when used for the various products as recited in Group II, those are related and are not materially different, as was suggested in the first restriction requirement. Applicant asserts that the inventions in Group I and II are not independent or distinct, and there would be no serious burden on the Examiner if restriction were not required because the inventions have not acquired a separate status in the art, although they may be in different classifications. Applicant is therefore requesting that the Examiner withdraw the restriction requirement as it pertains to Groups I and II, and examine claims 1-25 as a single group as noted in the earlier restriction requirement in the case.

Having complied with the request of the examiner, applicant is requesting examination of the elected claims and the issuance of the Notice of Allowance.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Appl No. 10/666,048  
Response dated January 30, 2007  
Reply to Office Action of Oct. 30, 2006

Please charge the 2 month Extension Fee of \$450 to Deposit Account 50-0694. Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

/GCS/

Gregory C. Smith, Reg. No. 29,441

e-mail: GregSmith@gsnn.us

Charles C. Garvey, Jr., Reg. No. 27,889

Seth M. Nehrbass, Reg. No. 31,281

Brett A. North, Reg. No. 42,040

Jacqueline M. Daspit, Reg. No. 36,779

GARVEY, SMITH, NEHRBASS & NORTH, L.L.C.

**PTO Customer No. 22920**

3838 N. Causeway Blvd., Suite 3290

Metairie, LA 70002

Tel.: (504) 835-2000; Fax: 504-835-2070

www.neworleanspatents.com

P:\ClientFiles\98\987\98786\98786.5-RestrReq.2nd.wpd